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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,615	04/16/2001	Ibraheem T. Badejo	105841	3897

7590 10/01/2004

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EXAMINER	
LEUNG, JENNIFER A	

ART UNIT	PAPER NUMBER
1764	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/834,615	BADEJO ET AL.	
	Examiner	Art Unit	
	Jennifer A. Leung	1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-102 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-102 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-30 and 65-102, drawn to an article of manufacture for dispensing a liquid adhesive, and furthermore, an adhesive composition, classified in class 422, subclass --, and class 252, subclass 183.12.

II. Claims 31-64, drawn to a method of making an article of manufacture for dispensing a liquid adhesive, classified in class 141, subclass 18.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related, respectively, as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process, such as the method illustrated in U.S. Patent No. 3,891,125 to Morane et al.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for Group I not required for Group II, restriction for examination purposes as indicated is proper.

2. In the event that Applicant elects Group I, restriction to one of the following inventions is required under 35 U.S.C. 121:

IA. Claims 1-30, 96 and 99-102, drawn to an article of manufacture, classified in class 422, subclass 131.

IB. Claims 65-71 and 97, drawn to an article of manufacture, classified in class 422, subclass 187+.

IC. Claims 72-86 and 98, drawn to an article of manufacture, classified in class 422, subclass 211.

ID. Claims 87-95, drawn to a polymerizable monomer adhesive composition, classified in class 252, subclass 183.12.

The inventions are distinct, each from the other because of the following reasons:

Inventions IA and IB are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, § 808.01). In the instant case, the article of claim 1 does not require the exchange resin as claimed in claim 65. Furthermore, the article of claim 65 does not require the first polymerization initiator or rate modifier as claimed in claim 1. The different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Inventions IA and IC are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, § 808.01). In the instant case, the article of claim 1 does not require the phase transfer catalyst as claimed in claim 72. Furthermore, the article of claim 72 does not require the first polymerization initiator or rate modifier as claimed in claim 1. The different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Inventions IA and ID are related as combination and subcombination. Inventions in this

relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the liquid adhesive in claims 1 and 99 does not require the specifically recited monomer, stabilizing agent and/or catalyst in claim 87. The subcombination has separate utility in other combinations, such as an adhesive composition contained in the syringe-type applicator of U.S. Patent No. 3,223,083 to Cobey.

Inventions IB and IC are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, § 808.01). In the instant case, the article of claim 65 does not require the phase transfer catalyst as claimed in claim 72. Furthermore, the article of claim 72 does not require the exchange resin as claimed in claim 65. The different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Inventions IB and ID are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the liquid adhesive in claim 65 does not require the specifically recited monomer, stabilizing agent and/or catalyst in claim 87. The subcombination has separate utility in other

combinations, such as an adhesive composition contained in the syringe-type applicator of U.S. Patent No. 3,223,083 to Cobey.

Inventions IC and ID are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the liquid adhesive in claim 72 does not require the specifically recited monomer, stabilizing agent and/or catalyst in claim 87. The subcombination has separate utility in other combinations, such as an adhesive composition contained in the syringe-type applicator of U.S. Patent No. 3,223,083 to Cobey.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for Group IA not required for Group IB or IC or ID, the search required for Group IB not required for Group IA or IC or ID, the search required for Group IC not required for Group IA or IB or ID, and the search required for Group ID not required for Group IA or IB or IC, restriction for examination purposes as indicated is proper.

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined although the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Leung whose telephone number is (571) 272-1449. The examiner can normally be reached on 8:30 am - 5:30 pm M-F, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn A. Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Leung
September 22, 2004 JAL

Hien Tran

HIEN TRAN
PRIMARY EXAMINER